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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,354

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Roberto Casonati

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EXAMINER

NGUYEN, HAIDUNG D

ART UNIT

PAPER NUMBER

1796

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,354	Applicant(s) CASONATI, ROBERTO	
	Examiner Haidung D. Nguyen	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to applicant's amendment/remarks filed 11/12/08.

Claims 1-19 are currently pending.

2. Claims 1 and 3-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Fry et al (5,360,567). The rejection is maintained.

3. Claims 1-7 and 14-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Holderbaum et al (W000/04122). The examiner used the English equivalent document US patent No. 6,750,193 for the rejection purposes. The rejection is maintained.

4. Note the following new grounds of rejection:

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 and 3-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fry et al. (5,360,567).

9. Regarding claim 1, Fry et al ["Fry"] discloses a tablet of compacted particulate detergent composition comprising crystalline sodium aluminosilicate ion-exchange detergency builders such as zeolite A and X (column 8, lines 22-53) and other detergent ingredients include binder/disintegrant such as cross-linked polyvinyl pyrrolidone and water swellable cellulose (column 5, line 63 to column 6, line 9); effervescent disintegrants include water soluble salts (column 6, lines 43-46).

10. Fry does not appear to expressly disclose that the tablet has hardness of at least 175N. However, the examiner determines that the tablet of Fry also has hardness of at least 175N. Fry discloses that the compaction pressure which in turn affects the tablet hardness and disintegration time depends on the composition of the tablet (column 4, line 64 to column 5, line 40). Since Fry disclose identical or substantially identical composition that set forth by applicant, the tablet of Fry would possess the same hardness as claimed. "Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or

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substantially identical processes, a prima facie case of either anticipation or obviousness has been established." *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). Fry further discloses the tablet has a disintegration time of less than 5 minutes (column 4, lines 13-61) which is similar to the applicant's disintegration time of between 5 to 180 seconds (para 0004). For these reasons, Fry is found to anticipate claims 1 and 3-16.

11. Even if Fry does not anticipate those claims, they still would have been obvious in view of the teachings of that reference. Fry discloses a compacted particulate detergent composition as discussed above. It would have been obvious that the tablets of Fry would possess a similar hardness as claimed since they are made of the identical or substantially identical composition. Over lapping ranges would have been obvious. MPEP 2144.05, I. Obviousness only requires a reasonable expectation of success. In *re O'Farrell*, 853 F.2d 894, 904 (Fed. Cir. 1988); MPEP 2143.02, I. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In *re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235; MPEP 2144.05, II.

12. Regarding claims 3, 4, 12 and 13, Fry discloses the composition as set forth in claim 1, wherein the binder/disintegrant is used in an amount within the range of 0.1 to 10% by weight (column 6, lines 19-21).

13. Regarding claims 5 and 14, Fry discloses the composition as set forth in claim 1, wherein the water-soluble salt has a solubility of at least 50g/100g of deionized water at 20°C (sodium citrate solubility in water at 72 g/100 ml - example 16).

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14. Regarding claims 6 and 15, Fry discloses the composition as set forth in claim 1, wherein the water-swellaable cellulose has a water uptake of at least 15g of deionized water at 20°C per 1 gram of cellulose (sodium carboxymethylcellulose - column 5, line 63 to column 6, line 9).

15. Regarding claims 7 and 16, Fry discloses the composition as set forth in claim 1, wherein the water-softening active is selected from the group: ion exchange agents, ion capture agents, and anti-nucleating agents (zeolite A and X - column 8, lines 47-53).

16. Regarding claims 8-11, Fry discloses the composition as set forth in claim 1, wherein the cross linked polyplasdone or the water-swellaable cellulose is present in an amount of up to 1.4% by weight of said composition or up to 95% by weight of the blend of disintegrating agents (the binder/disintegrant is 0.1 to 10% by weight of the composition wherein the cellulose content is about 0.9% - column 6, lines 19-21 and column 10, line 67).

17. Claims 1-7 and 14-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Holderbaum et al (WO00/04122).

18. Regarding claims 1, 5-7 and 14-16, Holderbaum et al ["Holderbaum"] discloses a cleaning tablet including water-softening tablet comprising least one water-softening active (ion exchange agents zeolites A and X - column 3, line 57), a cross-linked polyplasdone (polyvinylpyrrolidone - column 8, line 59), a water swellaable cellulose (carboxymethyl cellulose - column 9, line 19), and water soluble salt (trisodium citrate solubility in water of 72 g/100 ml- column 4, line 37).

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19. Holderbaum does not appear to expressly disclose that the tablet has hardness of at least 175N. However, the examiner determines that the tablet of Fry also has hardness of at least 175N. Since Fry disclose identical or substantially identical composition that set forth by applicant, the heavily compressed tablet of Holderbaum would require the same hardness as claimed. "Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established." *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977).

20. Even if Holderbaum does not anticipate those claims, they still would have been obvious in view of the teachings of that reference. Holderbaum discloses a heavily compressed particulate cleaning tablet as discussed above. It would have been obvious that the tablets of Holderbaum would a similar hardness as claimed since they are made of the identical or substantially identical composition.

21. Regarding claims 2, 17-19, Holderbaum discloses water-softening tablets are free from surfactants (column 4, lines 60-61).

22. Regarding claims 3 and 4, Holderbaum discloses water-softening tablets as set forth in 1 containing 0.5% to 10% by weight of one or more disintegrators (polyvinylpyrrolidone and cellulose-based - column 8, lines 62-64).

23. **Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holderbaum et al (WO00/04122) in view of Fry et al. (5,360,567). The examiner**

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used the English equivalent document US patent No. 6,750,193 for the rejection purposes.

24. Regarding claims 1,5-7, 14-16, Holderbaum et al ["Holderbaum"] discloses a cleaning tablet including water-softening tablet comprising least one water-softening active (ion exchange agents zeolites A and X - column 3, line 57), a cross-linked polyplasdone (polyvinylpyrrolidone - column 8, line 59), a water swellable cellulose (carboxymethyl cellulose - column 9, line 19), and water soluble salt (trisodium citrate solubility in water of 72 g/100 ml- column 4, line 37).

25. Holderbaum does not appear to expressly disclose that the tablet has hardness of at least 175N. However, Fry et al., in a similar invention, discloses the compaction pressure which affects the tablet hardness and disintegration time depends on the composition of the tablet (column 4, line 64 to column 5, line 40). Since Holderbaum disclose identical or substantially identical composition that set forth by applicant and Fry. Therefore, the tablet of Holderbaum would require having the same hardness as claimed. "Product of identical chemical composition can not have mutually exclusive properties". A chemical composition and its properties are inseparable.

26. Regarding claims 3 and 4, Holderbaum discloses water-softening tablets as set forth in 1 containing 0.5% to 10% by weight of one or more disintegrators (polyvinylpyrrolidone and cellulose-based - column 8, lines 62-64).

27. Regarding claims 2, 17-19, Holderbaum discloses water-softening tablets are free from surfactants (column 4, lines 60-61).

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28. Regarding claims 5 and 14, Fry discloses the composition as set forth in claim 1, wherein the water-soluble salt has a solubility of at least 50g/100g of deionized water at 20°C (sodium citrate solubility in water at 72 g/100 ml - example 16).

29. Regarding claims 6 and 15, Fry discloses the composition as set forth in claim 1, wherein the water-swellaable cellulose has a water uptake of at least 15g of deionized water at 20°C per 1 gram of cellulose (sodium carboxymethylcellulose - column 5, line 63 to column 6, line 9).

30. Regarding claims 7 and 16, Fry discloses the composition as set forth in claim 1, wherein the water-softening active is selected from the group: ion exchange agents, ion capture agents, and anti-nucleating agents (zeolite A and X - column 8, lines 47-53).

31. Regarding claims 8-13, Fry discloses the composition as set forth in claim 1, wherein the cross linked polyplasdone or the water-swellaable cellulose is present in an amount of up to 1.4% by weight of said composition or up to 95% by weight of the blend of disintegrating agents (the binder/disintegrant is 0.1 to 10% by weight of the composition wherein the cellulose content is about 0.9% - column 6, lines 19-21 and column 10, line 67).

Response to Arguments

30. Applicant's arguments filed 11/12/08 have been fully considered but they are not persuasive. The applicant argues that neither Fry nor Holderbaum disclose the compressed composition having a hardness of at least 175N. The examiner respectfully disagrees since both Fry and Holderbaum disclose identical or substantially identical composition that set forth by applicant, the compressed tablet of Fry and

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Holderbaum would require having the same hardness as claimed. "Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established." *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977).

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haidung D. Nguyen whose telephone number is (571)270-5455. The examiner can normally be reached on M-Th: 9:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOUGLAS MC GINTY/
Primary Examiner, Art Unit 1796

Haidung D Nguyen
Examiner
Art Unit 1796

\HN\
2/24/09